

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger
Serial No.: 10/052,961 Group Art Unit: 1617
Filed : January 18, 2002 Examiner: S. Wang
Title : A METHOD FOR AMELIORATING MUSCLE
WEAKNESS/WASTING IN A PATIENT INFECTED WITH
HUMAN IMMUNODEFICIENCY VIRUS-TYPE 1

30 Rockefeller Plaza
New York, NY 10112
June 30, 2011

FILED BY EFS

Commissioner for Patents
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed March 30, 2011 rejecting pending claims 88-105 in the above-identified application.

The Examiner rejected the pending claims 88-105 in an Office Action issued March 26, 2010 in connection with the above-identified application. Applicant filed a Communication in Response to March 26, 2010 Office Action on December 22, 2010. Applicant did not add, cancel, or amend claims in the December 22, 2010 Communication. The Examiner again rejected the pending claims 88-105 in the March 30, 2011 Office Action. In accordance with 35 U.S.C. §134(a), since the pending claims have been twice rejected, applicant may appeal from the decision of the Examiner to the Board of Patent Appeals and Interferences. A response to the March 30, 2011 Office Action

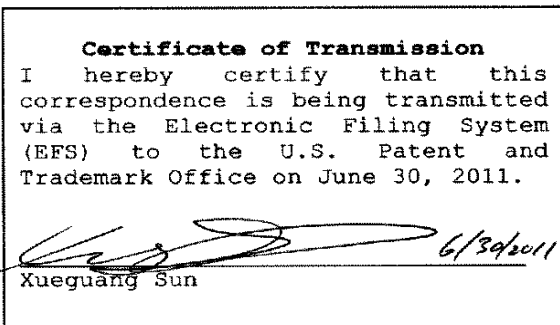
Applicant : Joseph R. Burger
Serial No. : 10/052,961
Filed : January 18, 2002
Page 2 of 2 of Notice of Appeal

is due June 30, 2011. Accordingly, the subject application is pending on June 30, 2011 and this Notice of Appeal is being timely filed.

In accordance with 37 C.F.R. §41.20(b)(1), the required fee for filing a Notice of Appeal for a small entity is TWO HUNDRED AND SEVENTY DOLLARS (\$270.00) and authorization is hereby given to charge this amount to Deposit Account No. 03-3125.

No fee, other than the \$270.00 fee, for which the authorization to charge Deposit Account No. 03-3125 has been given above, is deemed necessary in connection with the filing of this Notice of Appeal. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



[Signature]
John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicant
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York, New York 10112
(212) 278-0400